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March 31, 2008

USDC SDNY

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MEMO ENDORSED

BY HAND

The Honorable William H. Pauley III  
United States District Judge  
United States District Court  
United States Courthouse  
500 Pearl Street, Room 2210  
New York, NY 10007

Re: **BBC Chartering and Logistic  
GmbH & Company KG v.  
Usiminas Mecanica S/A, et al.  
08 Civ. 200 (WHP)  
Our File No: 29778-KBD/KCL**

Dear Judge Pauley:

We represent defendants, Usiminas Mecanica S/A and Unibanco AIG Seguros S/A. To date our clients have not been served with the summons and complaint in the above-captioned matter. Instead, they have been given a copy of a Notice of Lawsuit and Request for Waiver of Service for Summons by Mail.

Pursuant to your Individual Practices we respectfully request the court schedule a pre-motion conference preparatory to moving to dismiss the case for lack of personal jurisdiction, *lis alibi pendens* and *forum non conveniens*. We are presently investigating this matter and may include other bases upon which to move to dismiss.

In seeking a pre-motion conference we wish to note that, to the extent possible under the Federal Rules of Civil Procedure, we are making a special appearance to dispute personal jurisdiction and are not making a general appearance.

We thank the Court for its attention to this matter.

Respectfully submitted,

HILL RIVKINS & HAYDEN LLP

Keith B. Dalen

Application granted.  
SO ORDERED:

WILLIAM H. PAULEY III U.S.D.J.

/cb  
005-court

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The conference shall be held during the initial pre-trial conference on April 18, 2008 at 10:45 a.m.

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